

To the Members of the California State Senate:

I am returning Senate Bill 1745 without my signature.

This bill would provide that it is contrary to the public policy of the State to discriminate against a person in employment because he or she is a victim of domestic violence, sexual assault, or stalking. Although I support the intent to ensure victims of these crimes have adequate protections, this bill is too flawed to enact.

California employers are currently required to take reasonable steps to provide a safe and secure workplace for all employees, including a duty to adequately address the potential for workplace violence. Because the precise employee rights and employer obligations under this bill are not defined, the combination of existing law and this bill would place employers in an untenable position.

For instance, if an employer determines that removing an employee from the workplace is necessary to provide a safe workplace and keep other employees safe, the employer may very well be sued for violation of the public policy established by this bill. On the other hand, if the employer determines an employee must be allowed to continue performing duties in the workplace in order to comply with this bill, the employer may face litigation arising from injuries sustained by other employees if workplace violence occurs.

I am also concerned that this bill could lead employers, in an effort to comply with the law, to violate an employee's privacy. Because the law is unclear whether an employer must have specific knowledge that an employee is a victim in order for the protections of this bill to apply, an employer may feel compelled to inquire about the personal reasons why an employee has missed work or taken a prolonged absence. This is not only an undo burden on employers but a possible invasion of employees' privacy rights.

However well intentioned or worthy of consideration, this bill would create conditions that can only be resolved through the courts at great expense to employers and employees alike.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger